IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO : 16501 of 2004

Between:

1 Smt. Kilari (Rambarki) Surya Kumari, Hindu, D/o Late Govindha

Rao, R/o Plot No. 133, Padmavathi Nagar, Dharmapuri Road,

Vizianagaram District.
2 K. Nagaraju, Hindu, S/o Rambabu,
R/o Plot No. 133, Padmavathi Nagar, Dharmapuri Road,

Vizianagaram District.

..... PETITIONERS

AND

The Sub Inspector of Police, I Town Police Station, Vizianagaram.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in unnecessarily calling cell phone and harass the petitioners to the I Town Police Station, Vizianagaram, without taking into consideration the order of the Addl.Judicial First Class Magistrate, Vizianagaranm, which is registered as FIR No. 101 of 2004 dt. 1-8-2004 and exerting pressure on the petitioner to enter into a compromise with the accused as illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India, and consequently direct the respondent not to harass the petitioner to the I Town Officers, Vizianagaram for the reason to enter into a compromise with F.I.R.No. 101/2004 without collude the accused investigating the proceedings in the above case disposed to Addl. Judicial First Class

Magistrate Court, Vizianagaram.

Counsel for the Petitioner:MR.LINGESWARA RAO PANDRANKI

Counsel for the Respondent: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioners allege that the respondent, in collusion with the persons, against whom they made complaint in F.I.R.No.101 of 2004, is harassing them by calling on cell phone etc. The petitioners have narrated the facts, in detail, leading to their filing of a complaint in F.I.R.No.101 of 2004 before the Court of Additional Judicial Magistrate of I Class, Vizainagaram.

After receiving the notice, the respondent filed a counter-affidavit stating that the matter was investigated and a final report was filed on 21.09.2004. On instructions, the learned counsel for the petitioners submitted that the final report was not filed on 21.09.2004. This Court directed the respondent to file an additional affidavit. In the additional affidavit filed by him, the respondent admitted the mistake on his part.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

The limited grievance of the petitioners is about the alleged harassment by the respondent. It has already emerged that a final report was filed, though not on 21.09.2004. With that, the necessity to call the petitioners to police station or to correspond with them does not exist. The record also discloses that the respondent acted in a manner unwarranted of an independent investigating agency. He is warned for stating incorrect facts before this Court. The tenor of his pleadings makes this Court to gain an impression that it is not at all safe to leave the further investigation or prosecution of the matter in the hands of the respondent.

Hence, the writ petition is disposed of directing that the respondent viz. the Sub-Inspector of Police, I Town Police Station, Vizainagaram shall keep himself away from the investigation or prosecution of the matter in all respects. The Superintendent of Police, Vizainagaram is directed to entrust the case to any other police station outside the circle in which it is pending at present forthwith. There shall be no order as to costs.

01.12.2004

ksld

Note: Mark a copy of this order

to the Superintendent of Police,

Vizainagaram.

To

1. The Sub Inspector of Police, I Town Police Station, Vizianagaram.
2. Two CCs. to the Government Pleader for Home, High Court of A.P., Hyderabad (OUT).
3. Two CD copies.

4 The Superintendent of Police, Vizianagaram.